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August 22, 2022

Hon. Kenneth M. Karas  
The Hon. Charles L. Brieant Jr.  
Federal Building and United States Courthouse  
300 Quarropas St.  
White Plains, NY 10601-4150

**MEMO ENDORSED**

Re: *PharmacyChecker.com LLC v. National Association of Boards of Pharmacy et al.*, No. 19-cv-07577-KMK; Inadvertent Filing at Dkt. 294-1: Request to Maintain Conditional Sealing of Amended and Supplemental Declaration of Gabriel Levitt

Dear Judge Karas:

We represent plaintiff PharmacyChecker.com LLC. On August 22, 2022, plaintiff inadvertently filed at Dkt. 294-1 its **Amended and Supplemental Declaration of Gabriel Levitt in support of Plaintiff's Opposition to Defendants' Joint Motion for Summary Judgment on Sherman Act § 1 Claim** ("Declaration") without seal. The information contained in the Declaration, however, needs to be sealed as it contains "Protected Materials" as defined by the Stipulated Protective Order. See Dkt. 181. Indeed, the material includes information derived from averments and documents, designated as Confidential or Outside Counsel Eyes Only by plaintiff PharmacyChecker.com.

After contacting the ECF help desk, the filing clerk has conditionally sealed the Declaration at Dkt. 294-1. Plaintiff requests that the Court maintain the conditional seal over the Declaration until Plaintiff later files its motion to permanently seal and the Court enters its final order in relation to the same.

Respectfully submitted,

s/ Matthew Riley

Matthew Riley  
Counsel for PharmacyChecker.com LLC

Plaintiff's letter motion to conditionally seal the referenced material in Dkt. No. 294 is granted.

Plaintiff's motion to permanently seal the conditionally sealed materials is due by no later than August 30, 2022.

The Clerk of the Court is directed to terminate the pending motions at Dkt. Nos. 294 and 295.

**SO ORDERED**

  
**KENNETH M. KARAS U.S.D.J.**

August 23, 2022